

ASSEMBLY BILL

No. 1971

Introduced by Assembly Member Buchanan

February 23, 2012

An act to amend Section 496a of the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1971, as introduced, Buchanan. Theft: junk, metals, and secondhand materials.

Existing law provides that every dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of that dealer or collector, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment as specified, or by a fine of not more than \$250, or by both that fine and imprisonment.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 496a of the Penal Code is amended to read:

496a. (a) Every person who, being a dealer in or collector of junk, metals or secondhand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, mercury, iron or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and ~~is punishable~~, *shall be punished* by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than two hundred fifty dollars (\$250), or by both that fine and imprisonment.

(b) Any person buying or receiving material pursuant to subdivision (a) shall obtain evidence of his or her identity from the seller including, but not limited to, that person's full name, signature, address, driver's license number, vehicle license number, and the license number of the vehicle delivering the material.

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(c) The record of the transaction shall include an appropriate description of the material purchased and ~~such~~ *the* record shall be maintained pursuant to Section 21607 of the Business and Professions Code.